

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|---------------------|
| WILLIAM MILLER | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 12-4462 |
| | : | |
| MICHAEL HARLOW, et al | : | |

ORDER

AND NOW, this 19th day of February, 2013, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Respondents' Answer to Petition for Writ of Habeas Corpus, the Petitioner's "Traverse Response" to Respondents' Answer Filed, the Report and Recommendation filed by United States Magistrate Judge David R. Strawbridge (Document No. 15) and the petitioner's objection to the Report and Recommendation¹ (Document No. 16), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The petitioner's objection is **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Strawbridge is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED**; and,
4. There is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.

¹ Petitioner does not challenge the magistrate judge's finding regarding the statute of limitations. He does not dispute the calculation of the time under the Anti-terrorism and Effective Death Penalty Act of 1996. Instead, he argues that he was not given discovery that he had requested and he emphasizes his lack of legal ability. Nowhere does he address the untimeliness of his petition nor does he offer any excuse for the delay in filing it.